

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7353 of 1997

WITH

SPECIAL CIVIL APPLICATION No 2476 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

JYOTSNA ZINABHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR DP VORA for Petitioner

MR HASMUKH PATEL for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/05/1999

ORAL JUDGEMENT

1. Heard learned counsel for the parties.

2. In this case the petitioner was given ad-hoc appointment on the post of lecturer in Hindi and she is working in Government Arts & Commerce College, Khergam, Taluka : Chiklhi, Dist : Bulsar. The appointment of the petitioner on ad-hoc basis was subject to condition that her services are to be terminated on the availability of the duly selected candidate by Gujarat Public Service Commission (hereinafter referred to as "G.P.S.C.") or the post is filled in by transfer. It further appears that her initial appointment has been made on the specific condition that she will continue till the end of the academic term, but she continued for all these years. This court on 8/10/97 while admitting the petition passed the following order :

"Rule.

By way of ad-interim order, it is directed that the petitioner shall be entitled to continue on the post of lecturer even after the end of the academic term for which the petitioner is appointed till the post held by her is filled in either by transfer or by appointment of the lecturers duly selected by the Public Service Commission.

2. It is clarified that the petitioner shall not be entitled to the above referred protection in case she does not avail of the opportunity of being selected by the Public Service Commission as and when opportunity arises or that having availed of such opportunity, the petitioner fails and is not selected by the Public Service Commission. In the event of sufficient workload or sufficient number of students or in the event of the petitioner is found to have committed any misconduct, the respondents shall be entitled to discharge the concerned petitioner from service in consonance with the terms of her appointment. Direct service is permitted."

3. So, the petitioner is continuing as ad-hoc lecturer for all these years.

4. It has been given out to the court today that the Education Department of Govt. of Gujarat has already sent the requisition of the posts of lecturers in

different subjects including Hindi to the G.P.S.C. and the G.P.S.C. has already invited the applications from the open market. The learned counsel for the petitioner submits that the petitioner has already submitted application in response to the said advertisement. It is further given out that the written examination for elimination of the candidates is fixed in the month of June, 1999. It has also been given by the learned counsel for the G.P.S.C. that the G.P.S.C. will make all endeavour to complete the appointments within 6 months from the date of receipt of the writ of this order.

5. Taking into consideration the totality of the facts of this case and more particularly the subsequent development, which has been taken place, I consider it to be appropriate and in the larger interest of the parties that the interim relief, which has been granted by this court on 8/10/99 shall continue till the regular selections are made for the posts of lecturers by G.P.S.C., and the appointments in pursuance thereof by Government of Gujarat, Education Department. However, it is made clear that in case the petitioner is not selected for the post then it is open to the respondent to terminate her services without waiting for the posting of the selected candidate on the post. In all eventuality otherwise also the petitioner cannot have any right to continue on the post in case of her nonselection and appointment of selected candidate in her place on the post on which she is working.

Rule in the special civil application No.7353/97 is made absolute in the aforesaid terms. In view of this order given in special civil application No.7353/97 nothing now survives in the special civil application No.2476/99 and the same is dismissed.

(S.K.Keshote, J.)

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